

Mar-18-04 17:14 From-LAHIVE & COCKFIELD, LLP

6177424214

T-521 P.01/20 F-909

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## Facsimile Cover Sheet

**To:** Kathleen M. Kerr  
**Company:** U.S. Patent and Trademark Office  
**Location:** Alexandria, Virginia  
**Phone:** (571) 272-0931  
**Fax:** (571) 273-0931

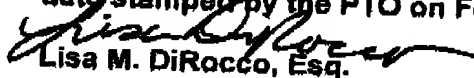
**From:** Lisa M. DiRocco, Esq.  
**Phone:** (617) 227-7400  
**Fax:** (617) 742-4214  
**Case No.:** BGI-126CP

**Date:** 03/18/04

**Sent By:**

**Pages including this  
cover page:** 20

**Message:** Further to our discussion, attached please find a copy of an Amendment and Response which was filed on February 17, 2004 for the above-referenced application. Also attached is a postcard, receipt date stamped by the PTO on February 17, 2004.

  
Lisa M. DiRocco, Esq.

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Mar-18-04 17:14

From-LAHIVE & COCKFIELD, LLP

6177424214

T-521 P.02/20 F-909

**Atty Docket No.:** BGJ-126CP

**Inventor:** Markus Pompejus *et al*

**Application No.:** 09/602740

**Filing Date:** June 23, 2000

**Title:**

Polynucleotides Encoding A 6-Phosphogluconolactonase Polypeptide From *Corynebacterium glutamicum*

**Documents Filed:**

Transmittal (1 page)

Fee Transmittal (1 page, in duplicate)

Amendment and Response (11 pages)

Table 1. Genes in the Application (REPLACEMENT) (1 page)

Table 1. Genes in the Application (MARKED-UP VERSION) (1 page)

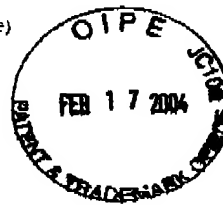
Petition for Extension of Time (Seven Months)(1 page, in duplicate)

Certificate of Mailing Under 37 CFR 1.10

Return Receipt Postcard

**Via:** Express Mail: Airbill No EV 355 388 322 US

**Sender's Initials:** LMD/EAH/jc



**Date:** February 17, 2004

PTO/SB/21 (08-03)  
U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE  
Approved for use through 07/31/2006 OMB 0651-0031  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<h2 style="margin: 0;">TRANSMITTAL FORM</h2> <p style="font-size: small; margin: 0;">(to be used for all correspondence after initial filing)</p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="padding: 2px;">Application Number</td><td style="padding: 2px;">09/602740-Conf. #1652</td></tr> <tr><td style="padding: 2px;">Filing Date</td><td style="padding: 2px;">June 23, 2000</td></tr> <tr><td style="padding: 2px;">First Named Inventor</td><td style="padding: 2px;">Markus Pompejus</td></tr> <tr><td style="padding: 2px;">Art Unit</td><td style="padding: 2px;">1632</td></tr> <tr><td style="padding: 2px;">Examiner Name</td><td style="padding: 2px;">K. Kerr</td></tr> <tr><td style="padding: 2px;">Attorney Docket Number</td><td style="padding: 2px;">BGI-126CP</td></tr> </table>	Application Number	09/602740-Conf. #1652	Filing Date	June 23, 2000	First Named Inventor	Markus Pompejus	Art Unit	1632	Examiner Name	K. Kerr	Attorney Docket Number	BGI-126CP
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First Named Inventor	Markus Pompejus													
Art Unit	1632													
Examiner Name	K. Kerr													
Attorney Docket Number	BGI-126CP													
Total Number of Pages in This Submission	1													

ENCLOSURES (Check all that apply)								
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 <div style="font-size: x-small;">Under 37 CFR 1.10 Under 37 CFR</div>	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <div style="border: 1px solid black; height: 20px; margin-top: 5px;"></div>	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): <div style="margin-top: 5px;">Postcard</div>						
<div style="text-align: center; border-top: 1px solid black; border-bottom: 1px solid black;">SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</div> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%; border: 1px solid black; padding: 2px;">Firm or individual name</td> <td style="border: 1px solid black; padding: 2px;">LAHIVE &amp; COCKFIELD, LLP Lisa M. DiRocco - 51,619</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px;">Signature</td> <td style="border: 1px solid black; padding: 2px;"></td> </tr> <tr> <td style="border: 1px solid black; padding: 2px;">Date</td> <td style="border: 1px solid black; padding: 2px;">February 17, 2004</td> </tr> </table>			Firm or individual name	LAHIVE & COCKFIELD, LLP Lisa M. DiRocco - 51,619	Signature		Date	February 17, 2004
Firm or individual name	LAHIVE & COCKFIELD, LLP Lisa M. DiRocco - 51,619							
Signature								
Date	February 17, 2004							

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 356 388 322 U.S., in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below

Dated February 17, 2004      Signature (Lisa M. DiRocco)

PTO/SB/22 (08-03)  
Approved for use through 7/31/2006 OMB 0451-0031  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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<b>PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)</b>		Docket No. (Optional) BG1-126CP	
In re Application of Markus Pompejus et al.			
Application Number 09/602740-Conf #1632		Filed June 23, 2000	
For Polynucleotides Encoding A 6-Phosphogluconolactonase Polypeptide From <i>Corynebacterium glutamicum</i>			
Art Unit 1652		Examiner K Kerr	

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$ _____
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$ _____
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$ _____
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$ _____
<input checked="" type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$ 2,010.00

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ \_\_\_\_\_

☐ A check in the amount of the fee is enclosed

☐ Payment by credit card Form PTO-2038 is attached.

☒ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 12-0080

I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor


☐ assignee of record of the entire interest. See 37 CFR 3.71  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☐ attorney or agent of record. Registration Number \_\_\_\_\_

☒ attorney or agent under 37 CFR 1.34(a)  
Registration number if acting under 37 CFR 1.34(a) 537619

February 17, 2004  
Date

(617) 227-7400  
Telephone Number

  
Signature


Lisa M. DiRocco  
Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) is required. Submit multiple forms if more than one signature is required. See below.

☐ Total of 1 forms are submitted.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airmail No. EV 355 388 322 U.S. in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: February 17, 2004

Signature  (Lisa M. DiRocco)

PTO/SB/17 (10-03)  
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## FEE TRANSMITTAL for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

<b>TOTAL AMOUNT OF PAYMENT</b> (\$)		<b>2,010.00</b>	
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<b>Complete if Known</b>	
Application Number	09/602740-Conf #1652
Filing Date	June 23, 2000
First Named Inventor	Markus Pompejus
Examiner Name	K. Kerr
Art Unit	1632
Attorney Docket No.	BGI-126CP

<b>METHOD OF PAYMENT (check all that apply)</b>	
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None	
<input checked="" type="checkbox"/> Deposit Account	
Deposit Account Number	12-0080
Deposit Account Name	Lahive & Cockfield, LLP
The Director is authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below	<input checked="" type="checkbox"/> Credit any overpayments
<input checked="" type="checkbox"/> Charge any additional fee(s) if any underpayment of fee(s)	
<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.	

<b>FEE CALCULATION</b>																																											
<b>1. BASIC FILING FEE</b>																																											
<table border="1" style="width: 100%;"> <tr> <th>Large Entity</th> <th>Small Entity</th> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> <tr> <td>1001</td> <td>2001</td> <td>770</td> <td>385</td> <td>Utility filing fee</td> <td></td> </tr> <tr> <td>1002</td> <td>2002</td> <td>340</td> <td>170</td> <td>Design filing fee</td> <td></td> </tr> <tr> <td>1003</td> <td>2003</td> <td>630</td> <td>265</td> <td>Plant filing fee</td> <td></td> </tr> <tr> <td>1004</td> <td>2004</td> <td>770</td> <td>385</td> <td>Rescued filing fee</td> <td></td> </tr> <tr> <td>1005</td> <td>2005</td> <td>180</td> <td>80</td> <td>Provisional filing fee</td> <td></td> </tr> <tr> <td colspan="5"><b>SUBTOTAL (1)</b></td> <td><b>0.00</b></td> </tr> </table>	Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid	1001	2001	770	385	Utility filing fee		1002	2002	340	170	Design filing fee		1003	2003	630	265	Plant filing fee		1004	2004	770	385	Rescued filing fee		1005	2005	180	80	Provisional filing fee		<b>SUBTOTAL (1)</b>					<b>0.00</b>	
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<b>2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE</b>																																											
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<b>3. ADDITIONAL FEES</b>																																																																																																																																																																															
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unintentional</td> <td></td> </tr> <tr> <td>1453</td> <td>2453</td> <td>1,330</td> <td>665</td> <td>Petition to revive - unintentional</td> <td></td> </tr> <tr> <td>1501</td> <td>2501</td> <td>1,330</td> <td>665</td> <td>Utility issue fee (or rescue)</td> <td></td> </tr> <tr> <td>1502</td> <td>2502</td> <td>480</td> <td>240</td> <td>Design issue fee</td> <td></td> </tr> <tr> <td>1503</td> <td>2503</td> <td>640</td> <td>320</td> <td>Plant issue fee</td> <td></td> </tr> <tr> <td>1460</td> <td>2460</td> <td>130</td> <td>130</td> <td>Patent to the Commissioner</td> <td></td> </tr> <tr> <td>1807</td> <td>2807</td> <td>50</td> <td>50</td> <td>Processing fee under 37 CFR 1.17(q)</td> <td></td> </tr> <tr> <td>1808</td> <td>2808</td> <td>180</td> <td>180</td> <td>Submission of information Disclosure Sheet</td> <td></td> </tr> <tr> <td>8021</td> <td>28021</td> <td>40</td> <td>40</td> <td>Recording each patent assignment per property (times number of properties)</td> <td></td> </tr> <tr> <td>1809</td> <td>2809</td> <td>770</td> <td>385</td> <td>Filing a submission after final rejection (37 CFR 1.129(a))</td> <td></td> </tr> <tr> <td>1810</td> <td>2810</td> <td>770</td> <td>385</td> <td>For each additional invention to be examined (37 CFR 1.129(b))</td> <td></td> </tr> <tr> <td>1801</td> <td>2801</td> <td>770</td> <td>385</td> <td>Request for Continued Examination (RCE)</td> <td></td> </tr> <tr> <td>1802</td> <td>2802</td> <td>900</td> <td>900</td> <td>Request for expedited examination of a design application</td> <td></td> </tr> </table>	Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid	1051	2051	130	65	Surcharge - late filing fee or oam		1052	2052	50	25	Surcharge - late provisional filing fee or cover sheet		1053	2053	130	130	Non-English specification		1812	2520	1812	2,520	For filing a request for ex parte reexamination		1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action		1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action		1251	2251	110	55	Extension for reply within first month		1252	2252	420	210	Extension for reply within second month		1253	2253	950	475	Extension for reply within third month		1254	2254	1,480	740	Extension for reply within fourth month		1255	2255	2,010	1,005	Extension for reply within fifth month	2,010.00	1401	2401	330	165	Notice of Appeal		1402	2402	330	165	Filing a brief in support of an appeal		1403	2403	280	145	Request for oral hearing		1451	2451	1,510	1,510	Petition to institute a public use proceeding		1452	2452	110	55	Petition to revive - unintentional		1453	2453	1,330	665	Petition to revive - unintentional		1501	2501	1,330	665	Utility issue fee (or rescue)		1502	2502	480	240	Design issue fee		1503	2503	640	320	Plant issue fee		1460	2460	130	130	Patent to the Commissioner		1807	2807	50	50	Processing fee under 37 CFR 1.17(q)		1808	2808	180	180	Submission of information Disclosure Sheet		8021	28021	40	40	Recording each patent assignment per property (times number of properties)		1809	2809	770	385	Filing a submission after final rejection (37 CFR 1.129(a))		1810	2810	770	385	For each additional invention to be examined (37 CFR 1.129(b))		1801	2801	770	385	Request for Continued Examination (RCE)		1802	2802	900	900	Request for expedited examination of a design application		
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1053	2053	130	130	Non-English specification																																																																																																																																																																											
1812	2520	1812	2,520	For filing a request for ex parte reexamination																																																																																																																																																																											
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																																											
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action																																																																																																																																																																											
1251	2251	110	55	Extension for reply within first month																																																																																																																																																																											
1252	2252	420	210	Extension for reply within second month																																																																																																																																																																											
1253	2253	950	475	Extension for reply within third month																																																																																																																																																																											
1254	2254	1,480	740	Extension for reply within fourth month																																																																																																																																																																											
1255	2255	2,010	1,005	Extension for reply within fifth month	2,010.00																																																																																																																																																																										
1401	2401	330	165	Notice of Appeal																																																																																																																																																																											
1402	2402	330	165	Filing a brief in support of an appeal																																																																																																																																																																											
1403	2403	280	145	Request for oral hearing																																																																																																																																																																											
1451	2451	1,510	1,510	Petition to institute a public use proceeding																																																																																																																																																																											
1452	2452	110	55	Petition to revive - unintentional																																																																																																																																																																											
1453	2453	1,330	665	Petition to revive - unintentional																																																																																																																																																																											
1501	2501	1,330	665	Utility issue fee (or rescue)																																																																																																																																																																											
1502	2502	480	240	Design issue fee																																																																																																																																																																											
1503	2503	640	320	Plant issue fee																																																																																																																																																																											
1460	2460	130	130	Patent to the Commissioner																																																																																																																																																																											
1807	2807	50	50	Processing fee under 37 CFR 1.17(q)																																																																																																																																																																											
1808	2808	180	180	Submission of information Disclosure Sheet																																																																																																																																																																											
8021	28021	40	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																																											
1809	2809	770	385	Filing a submission after final rejection (37 CFR 1.129(a))																																																																																																																																																																											
1810	2810	770	385	For each additional invention to be examined (37 CFR 1.129(b))																																																																																																																																																																											
1801	2801	770	385	Request for Continued Examination (RCE)																																																																																																																																																																											
1802	2802	900	900	Request for expedited examination of a design application																																																																																																																																																																											

Other fee (specify): \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

<b>SUBTOTAL (3)</b> (\$)		<b>2,010.00</b>	
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<b>SUBMITTED BY</b>	
Name (Print/Type)	Lisa M. DiRocco
Signature	<i>Lisa M. DiRocco</i>
Registration No. (Accession/Serial)	51,619
Telephone	(617) 227-7400
Date	February 17, 2004

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 355 388 322 U.S. in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: February 17, 2004

Signature: *Lisa M. DiRocco* (Lisa M. DiRocco)